

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

MACON DIVISION

QUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983

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U.S. DISTRICT COURT
MIDDLE DIST. OF GEORGIA
MACON, GEORGIA

ANDREW HOWARD BRANNAN

ID# 1041320

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

CIVIL ACTION NO:

VS.

Brian Owens, et al.

5:13-CV-454

(NAME OF EACH DEFENDANT)

Defendant(s)

I. GENERAL INFORMATION

1. Your full name and prison number ANDREW HOWARD BRANNAN #1041320

2. Name and location of prison where you are now confined _____

3. Sentence you are now serving (how long?) UNDER DEATH SENTENCE

(a) What were you convicted of? MURDER, (WHILE DEFENDING SELF)

(b) Name and location of court which imposed sentence _____

(c) When was sentence imposed? _____

(d) Did you appeal your sentence and/or conviction? Yes ☒ No ☐

(e) What was the result of your appeal? ON GOING

(f) Approximate date your sentence will be completed N/A

II. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes ☒ No ☐

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): ANDREW H. BRANNAN

Defendant(s): BRIAN DWENS, WARDEN CARL HUMPHREY, SCOTT, FAWLKS, CARTER, 1-4 JOHN DOE

(b) Name of Court: U.S. DISTRICT COURT MIDDLE GA. (MACON)

(c) Docket Number: 5:13-CV-00133 ^{-MTT-MSH} When did you file this lawsuit? 4/9/13

(d) Name of judge assigned to case: MARC THOMAS TREADWELL

(e) Is this case still pending? Yes ☐ No ☒

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

VOLUNTARILY WITHDREW TO REFILE WITHIN TWO YEARS, DISMISSED WITHOUT PREJUDICE 6/1/13

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes ☒ No ☐

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): SEE 5. (d) THRU (f) FOR 7. (d) THRU (f)

Defendant(s): _____

(b) Name of Court: _____

(c) Docket Number: _____ When did you file this lawsuit? _____

(d) Name of judge assigned to case: _____

(e) Is this case still pending? Yes ☐ No ☒

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ☐ No ☒

If your answer is Yes, state the name of the court and docket number as to each case:

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III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? GEORGIA
DIAGNOSTIC AND CLASSIFICATION PRISON 2978 PRISON BLVD.
JACKSON, GA HWY 36 WEST
30233-0078

(a) Does this institution have a grievance procedure?

Yes ☒ No ☐

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes ☒ No ☐

(2) If Yes, what was the result? GRIEVANCE 142270 FILED 1/17/13
FORWARDED TO GA. DEPT. OF CORRECTIONS
INTERNAL INVESTIGATIONS UNIT 1/25/13,

(3) If No, explain why not:

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

GRIEVANCE ABOUT BROKEN RIBS, PAIN, HEADACHE, DIZZY,
BLURRED VISION NEED TO GO TO MEDICAL, NO RESPONSE
COUNSELOR R. FOSKEY, 1/24/13, GRIEVANCE 3/5/13 CONDITIONS ^{HAVE RECENT}
 (d) Did you appeal any denial of your grievance to the highest level possible in the prison ^{NO RESPONSE}
 system? Yes ☒ AND No ☒

(1) If Yes, to whom did you appeal and what was the result? GRIEVANCE #147826
LACK OF ACCESS TO LAW LIBRARY TO PREPARE AND FILE
NONFRIVOLOUS COMPLAINT, APPEAL DENIED 6/3/13

(2) If No, explain why you did not appeal: LETTER TO ME STATED:
"THE DECISION TO FORWARD YOUR GRIEVANCE TO THE
INTERNAL INVESTIGATION UNIT AND CLOSE YOUR GRIEVANCE

10. In what other institutions have been confined? Give dates of entry and exit. ^{IS NOT APPEALABLE."}
#142270

BALDWIN CO. JAIL JAN 1978 - JUNE 1978
WARD 4 MIDDLE GA MENTAL HEALTH HOSPITAL 6/78 - 9/98
BALDWIN CO. JAIL 9/78 - 1/00

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/ mailing address.

GEORGIA DIAGNOSTIC AND CLASSIFICATION
PRISON, 2978 PRISON BLVD, HWY 36 WEST,
BOX 3877, JACKSON GA. 30233-0078

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

See attached documents

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

See attached documents

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 2 day of December, 20 13.

Andrew Branson
PLAINTIFF